

**ZONING HEARING BOARD: November 10, 2020**  
**Mount Airy Holdings, LLC**  
**Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, November 10, at 7:00 p.m., in the township municipal office. Members present were Albert Warfel, Chairman, Bradford Duvall, Vice Chairman and Omar Smoker. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter and twenty-one (21) observers were also present.

Mr. Warfel brought the meeting to order at 7:00 p.m. Mr. Warfel introduced the Zoning Hearing Board Members, Zoning Officer, and Zoning Hearing Board Counsel. Mr. Warfel stated there were three hearings this evening. Mr. Warfel announced the first hearing. The first hearing is a request by Mount Airy Holdings, LLC for a variance of the minimum lot size at 217 Mt. Airy Road. The property is owned by Mount Airy Holdings, LLC and is zoned Residential (R-2) and Agricultural. Mr. Warfel turned the hearing over to Mr. Goodman.

Heidi Martinez was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was legally advertised in the Lancaster Newspapers on October 26, 2020 and November 2, 2020, with proof of publication being displayed and marked as ZHB Ex. #1. Mrs. Martinez confirmed the adjoining property owners were notified for the hearing and the list was marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted.

Brian Masterson, Regester Associates, Inc. and Gregory Schneider, Mount Airy Holdings, LLC were sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Masterson explained the request to change the lot lines for estate planning. The plan dated October 14, 2020, prepared by Regester Associates, Inc. was presented and marked as App Ex. #1. The Zoning Hearing Board application was marked as App. Ex. #2 and the narrative that accompanied the application was marked as App. Ex. #3. Mr. Duvall asked if the property was a rental. Mr. Goodman asked about additional buildings and sewer and water. There was one public question. Thomas Lee, 213 Mt. Airy Road, asked about the location of the 12' wide strip. There were no public statements.

Mr. Warfel made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Warfel made a motion to grant the variance of Section 202.6 of the Providence Township Zoning Ordinance, with the following conditions:

- a. The Applicant shall comply with its plans and promises as presented to the Zoning Hearing Board.
- b. The Applicant shall file and have approved a Subdivision Plan by Providence Township.
- c. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- d. This Decision shall bind the Applicant, its successors, grantees and assigns.

Mr. Smoker seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:18 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Albert Warfel, Chairman

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Heidi Martinez, Secretary

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Bradford Duvall, Vice Chairman

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Omar Smoker, Member

**ZONING HEARING BOARD: November 10, 2020**

**Dustin Martin**

**Use Variance and Variance Request**

At 7:19 p.m. Mr. Warfel introduced the second hearing, a request by Dustin Martin for a use variance and a variance to allow a second principal use of a lawn and landscaping shop at 183 Schoolhouse Road. The property is owned by Dustin L and Kelsey M Martin and is zoned Agricultural. Mr. Warfel turned the hearing over to Mr. Goodman.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was legally advertised in the Lancaster Newspapers on October 26, 2020 and November 2, 2020, with proof of publication being displayed and marked as ZHB Ex. #1. Mrs. Martinez confirmed the adjoining property owners were notified for the hearing and the list was marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted.

Dustin and Kelsey Martin were sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Martin explained the existing structures on the parcel and the business operations. Mr. Martin stated he has five (5) full-time employees and several seasonal employees. There is no sign at the business. The Zoning Hearing Board application was marked as App. Ex. #1. The narrative that accompanied the application was marked as App. Ex. #2. The plot plan submitted with the application was marked as App. Ex. #3.

There were two public questions. Fred Trout, 192 Schoolhouse Road, asked about the second principal use. Vicki Eldridge, 168 Hollow Road, asked about the burning of discarded landscaping materials. There were no public statements.

Mr. Warfel made a motion to close testimony. Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the variance from the requirements of Section 200.2 and Section 200.5.2 of the Ordinance, subject to the following conditions:

- a. The Applicant shall comply with his plans and promises as presented to the Zoning Hearing Board.
- b. There shall be no burning in connection with the business.
- c. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- d. This Decision shall bind the Applicant, his heirs, successors, grantees and assigns.

Mr. Smoker seconded the motion. The motion carried unanimously. The hearing was adjourned at 7:40 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Albert Warfel, Chairman

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Heidi Martinez, Secretary

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Bradford Duvall, Vice Chairman

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Omar Smoker, Member

**ZONING HEARING BOARD: November 10, 2020**  
**Evergreen Wissler Holdings, LLC**  
**Variance Requests**

At 7:40 p.m. Mr. Warfel introduced the third hearing, a request by Evergreen Wissler Holdings, LLC for the following dimensional variances for the auto sales and service facility; lot coverage, front parking setback, front yard landscape strip and freestanding sign area and height at 136 Lancaster Pike South and tax parcel #5209266300000 Lancaster Pike South. The properties are owned by Mount Airy Holdings, LLC and are zoned Commercial.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was legally advertised in the Lancaster Newspapers on October 26, 2020 and November 2, 2020, with proof of publication being displayed and marked as ZHB Ex. #1. Mrs. Martinez confirmed the adjoining property owners were notified for the hearing and the list was marked as ZHB Ex. #2. Mrs. Martinez confirmed the properties were properly posted.

Damian Wissler and Tessa Wissler, Evergreen Wissler Holdings, LLC, Larry Prescott, Professional Design & Construction, and Kevin Ember, Rettew Associates, Inc. were sworn in by the court reporter. Upon questioning Mr. Goodman, Mr. Wissler explained the proposed project. Mr. Ember explained the dimensional variance requests. The four (4) pages of the plan prepared by Professional Design & Construction, LLC were marked as App. Ex. #1. The Zoning Hearing Board application was marked as App. Ex. #2 and the narrative that accompanied the application was marked as App. Ex. #3. Mr. Duvall asked about the lot coverage calculation, if they are under a contract to purchase the properties and if the parking will make or break the project. Mr. Warfel asked about the distance from the shoulder. Mr. Smoker asked about the height of the sign. There were a few public questions. Bob Ray, 287 Snyder Hollow Road, asked if other locations were looked at, and if they were familiar with the redeveloped highway. Barbara Whitfield, 160 Lancaster Pike South, asked about rezoning her property, adjusting property lines, privacy and lighting. There were no public statements.

Mr. Warfel made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the for variances from the requirements of Sections 205.5, 205.6.1, 313.18.1 and 322 Table 1 of the Ordinance, subject to the following conditions:

- a. The Applicant shall comply with its plans and promises as presented to the Zoning Hearing Board.
- b. The Applicant shall file and have approved a Land Development Plan with Providence Township.
- c. The Applicant shall comply with all applicable stormwater management ordinance requirements.
- d. The Applicant shall obtain any necessary highway occupancy permits from the Pennsylvania Department of Transportation.
- e. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- f. This Decision shall bind the Applicant, its successors, grantees and assigns.

Mr. Smoker seconded the motion and the motion carried unanimously. The hearing was adjourned at 8:45 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Albert Warfel, Chairman

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Heidi Martinez, Secretary

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Bradford Duvall, Vice Chairman

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Omar Smoker, Member